



CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
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San José, California 95113
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City Clerk

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSÉ)

I, Lee Price, City Clerk & Ex-Officio Clerk of the Council of and for the City of San José, in said County of Santa Clara, and State of California, do hereby certify that **Ordinance No. 28721**, the original copy of which is attached hereto, was passed for publication of title on the **9th day of February, 2010**, was published in accordance with the provisions of the Charter of the City of San José, and was given final reading and adopted on the **23rd day of February, 2010**, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

VACANT: NONE

Said ordinance is effective as of **March 26, 2010**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San José, this **25th day of February, 2010**.

(SEAL)

LEE PRICE, MMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

ORDINANCE NO. 28721

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED ON THE WEST SIDE OF CADWALLADER AVENUE, APPROXIMATELY 500 FEET SOUTH OF PRUNETREE LANE, FROM R-1-5 SINGLE-FAMILY RESIDENCE AND A(PD) PLANNED DEVELOPMENT ZONING DISTRICTS TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT

WHEREAS, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

WHEREAS, the area encompassed by the subject proposed rezoning was the subject of a Mitigated Negative Declaration prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and found complete by the Planning Commission on December 9, 2009, under File No. PDC09-010, which determination has not been challenged, protested or appealed; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to A(PD) Planned Development Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves said MND prior to taking any approval actions on this project.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as A(PD) Planned Development. The base zoning district of the subject property shall be the A - Agriculture Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, "General Development Plan for up to 41 Single Family Detached Residential - Landes of Cirelli, Tedrow, Bartlett, Pianka & Tran," **last revised October 30, 2009.**

Said General Development Plan is on file in the office of the Director of Planning and is available for inspection by anyone interested therein, and said General Development Plan is by this reference adopted and incorporated herein the same as if it were fully set forth herein.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval that is the subject of City File No. PDC09-010 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this 9th day of February, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: CONSTANT.

DISQUALIFIED: NONE.

ATTEST:



LEE PRICE, MMC
City Clerk



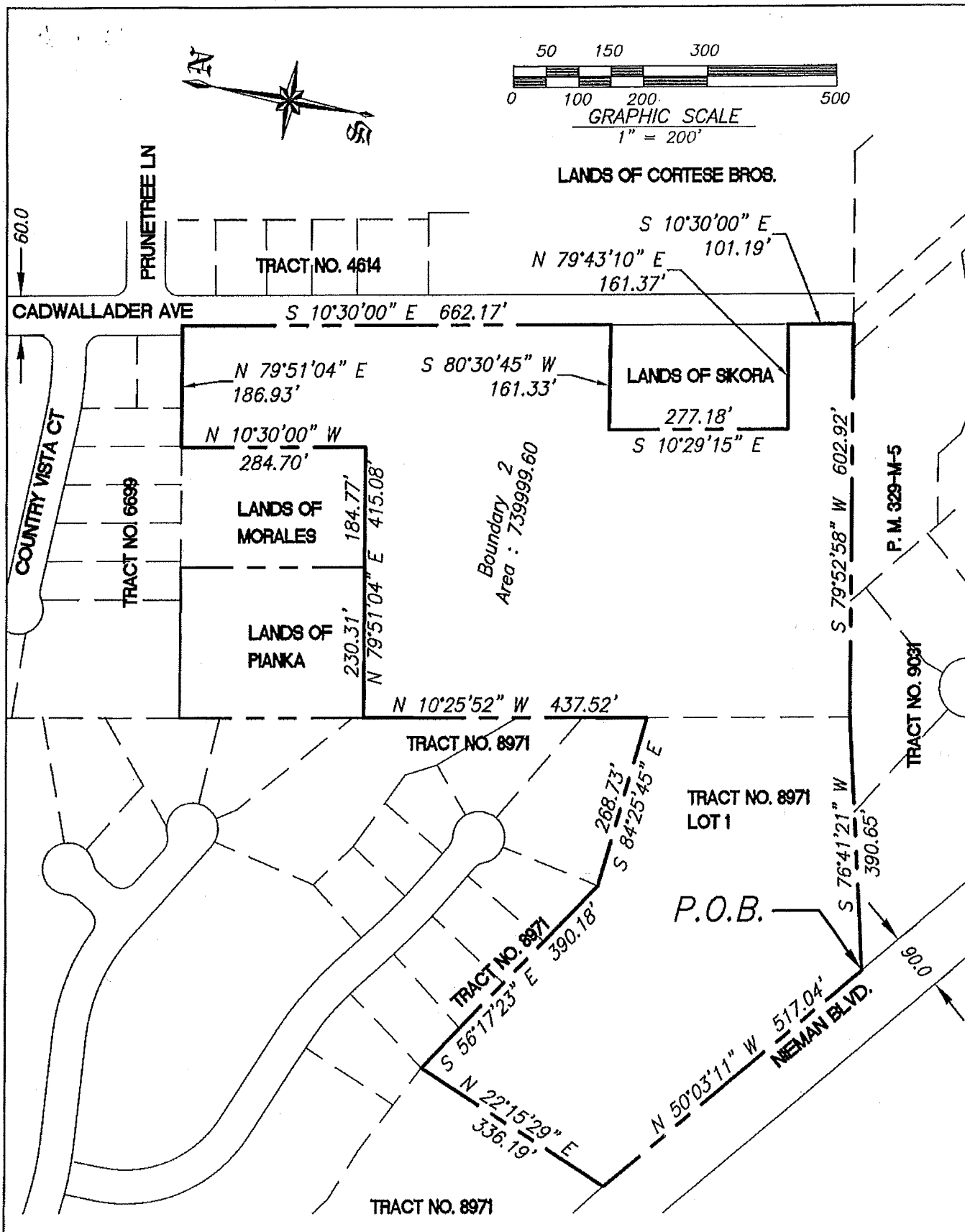
CHUCK REED
Mayor

**LEGAL DESCRIPTION
LANDS OF CIRELLI, TEDROW, BARTLETT,
PIANKA & TRAN
W/S OF CADWALLADER AVE. 200'± SO. OF
PRUNETREE LN.
SAN JOSE, CALIFORNIA**

Beginning at the most southwesterly corner of Lot 1 as shown on that certain Tract No. 8971 Map recorded in Book 690 of Maps at Pages 22-27, Santa Clara County Records said corner being a point on the northeasterly right-of-way line of Nieman Boulevard; thence along said northeasterly right-of-way line of Nieman Boulevard North 50°03'11" West 517.04 feet; thence North 22°15'29" East 336.19 feet; thence South 56°17'23" East 390.18 feet; thence South 84°25'45" East 268.73 feet; thence North 10°25'52" West 437.52 feet; thence North 79°51'04" East 415.08 feet; thence North 10°30'00" West 284.70 feet; thence North 79°51'04" East 186.93 feet; thence South 10°30'00" East 662.17 feet; thence South 80°30'45" West 161.33 feet; thence South 10°29'15" East 277.18 feet; thence North 79°43'10" East 161.37 feet; thence South 10°30'00" East 101.19 feet; thence South 79°52'58" West 602.92 feet; thence South 76°41'21" West 390.65 feet to the Point of Beginning.

Containing an area of 16.99± acres.

Charles W. Davidson Co
Job No. 1769 pl1
Feb. 12, 2009



PLAT MAP
LANDS OF CIRELLI, TEDROW, BARTLETT,
PIANKA & TRAN
SAN JOSE, CALIFORNIA

DATE: 2-12-09
 SCALE: 1" = 200'
 DRAWN BY: mhf
 CHECKED BY:
 JOB NO.: 1679 PL1

Charles W. Davidson Co.
 A CALIFORNIA CORPORATION
 CONSULTING CIVIL ENGINEERS
 255 W. JULIAN ST. #200, SAN JOSE, CA.
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 _____, RCE NO.